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PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

Afghanistan, Andorra, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Bhutan, Bosnia and Herzegovina, Bulgaria, Canada, Cape Verde, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, India, Iraq, Ireland, Israel, Italy, Japan, Kyrgyzstan, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Mongolia, Netherlands, New Zealand, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Turkey, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland and Venezuela*: draft resolution

The rights of the child

The General Assembly,

Recalling its resolutions 51/77, 51/76 and 51/186 and Commission on Human Rights resolution 1997/78,

Recalling the Declaration and Plan of Action adopted by the World Summit for Children in 1990, notably its solemn commitment to give high priority to the rights of children, to their survival and to their protection and development, and reaffirming the Vienna Declaration and Programme of Action, which, inter alia, states that national and international mechanisms and programmes for the defence and protection of children, in particular those in especially difficult circumstances, should be strengthened, including through effective measures to combat exploitation and abuse of children such as female infanticide, harmful child labour, sale of children and organs, child

* On behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States.

prostitution and child pornography as well as other forms of sexual abuse, and which reaffirms that all human rights and fundamental freedoms are universal,

Underlining the need for mainstreaming a gender perspective into all policies and programmes relating to children,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social and economic conditions, poverty, natural disasters, armed conflicts, displacement, exploitation, racism and all forms of intolerance, unemployment, rural-to-urban migration, illiteracy, hunger, disability, and drug abuse, and convinced that urgent and effective national and international action is called for,

Inviting Member States to promote the values of peace, understanding, and dialogue in the education of children, and awareness of the urgent need to combat poverty, malnutrition, and illiteracy worldwide,

Recognizing that legislation alone is not enough to prevent violations of the rights of the child, that stronger political commitment is needed and that Governments should implement their laws and complement legislative measures with effective action,

Recommending that within their mandates, all relevant human rights mechanisms and all other relevant organs and mechanisms of the United Nations system and the supervisory bodies of the specialized agencies pay attention to particular situations in which children are in danger and where their rights are violated and that they take into account the work of the Committee on the Rights of the Child,

Stressing the need to strengthen partnerships between Governments, international organizations and all sectors of civil society, in particular non-governmental organizations, in order to achieve these objectives,

Reaffirming that the best interests of the child shall be a primary consideration in all actions concerning children,

I

Implementation of the Convention on the Rights of the Child

1. Welcomes the unprecedented number of 191 States that have ratified or acceded to the Convention on the Rights of the Child as a universal commitment to the rights of the child;

2. Urges once again all States that have not yet done so to sign and ratify or accede to the Convention as a matter of priority, with a view to reaching the goal of universal adherence established by the World Summit for Children and reiterated by the Vienna Declaration and Programme for Action;

3. Recognizes the important role of the Committee on the Rights of the Child in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation;

4. Invites the Committee on the Rights of the Child to further enhance the constructive dialogue with the States Parties and the transparent and effective functioning of the Committee;

5. Requests the Secretary-General to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee on the Rights of the Child, and takes note of the Plan of Action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child;

6. Calls upon States parties to implement fully the Convention, to cooperate closely with the Committee on the Rights of the Child and to comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated by the Committee;

7. Calls upon States parties to withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations;

8. Recalls that the amendment to article 43 (2) of the Convention, which would increase the membership of the Committee on the Rights of the Child from 10 to 18 experts, was adopted by the Conference of States parties on 12 December 1995, that this amendment was approved by the General Assembly on 21 December 1995 in its resolution 50/155, and therefore calls upon States parties to take appropriate measures so that acceptance of the amendment by a two-thirds majority of States parties can be reached as soon as possible in order for the amendment to enter into force;

9. Calls upon States parties to the Convention to ensure that the education of the child shall be carried out in accordance with article 29 of the Convention and that the education be directed, inter alia, to the development of respect for human rights and fundamental freedoms, for the Charter of the United Nations and for different cultures and to the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, gender equality and friendship among peoples, ethnic, national and religious groups and persons of indigenous origin;

10. Calls upon States parties to the Convention, in accordance with their obligation under article 42 of the Convention, to make the principles and provisions of the Convention widely known to adults and children alike, and also calls upon States parties to encourage training on the rights of the child for those involved in activities concerning children, for example through the programme of advisory services and technical cooperation in the field of human rights;

11. Stresses that the implementation of the Convention contributes to the achievement of the goals of the World Summit for Children as emphasized in the report of the Secretary-General on the progress at mid-decade on implementation of General Assembly resolution 45/217 of 21 December 1990 on the World Summit for Children;

12. Encourages the Committee, in monitoring the implementation of the Convention on the Rights of the Child, to continue to pay attention to the needs of children in especially difficult circumstances;

II

Children with disabilities

1. Welcomes the increased attention given by the Committee on the Rights of the Child to the equal enjoyment by children with disabilities of the rights of the child;

2. Calls upon all States to take all necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities, and to develop and enforce legislation against discrimination against children with disabilities;

3. Calls upon all States to promote for children with disabilities a full and decent life, in conditions which ensure dignity, promote self-reliance, and facilitate the child's active participation in the community;

4. Emphasizes the right to education as a human right, and calls upon States to make education accessible to children with special educational needs in a manner conducive to the child's achieving the fullest possible social integration and individual development, and to adopt an integrated approach to providing adequate support and appropriate education for such children;

5. Welcomes the decision by the Economic and Social Council to request the Special Rapporteur on Disabilities of the Commission for Social Development to pay special attention to children with disabilities, and the invitation to enhance the cooperation between the Special Rapporteur and the Committee on the Rights of the Child, and also requests the United Nations High Commissioner for Human Rights and the United Nations Children's Fund to work closely with him;

6. Calls upon all States, in complying with their reporting obligations to the Committee under article 44 (1) of the Convention, to include, in accordance with the Committee's guidelines (CRC/C/58), information on the situation and the needs of children with disabilities, including disaggregated data, and on the measures taken to ensure to such children their enjoyment of the rights under the Convention;

III

Prevention and eradication of the sale of children and of their sexual exploitation, including child prostitution and child pornography

1. Welcomes the interim report of the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography and expresses its support for her work in examining, all over the world, the question of the sale of children, child prostitution and child pornography;

2. Requests the Secretary-General to provide the Special Rapporteur with all necessary human and financial assistance to make the full discharge of the mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-third session and a report to the Commission on Human Rights at its fifty-fourth session;

3. Supports the work of the open-ended inter-sessional working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention on the Rights of the Child related to the sale of children, child prostitution and child pornography, and expresses the hope that it will make further progress prior to the fifty-fourth session of the Commission with a view to finalizing this work before the tenth anniversary of the Convention on the Rights of the Child;

4. Calls upon all States parties to fulfil their obligation under article 34 of the Convention, and also calls upon all States to support efforts in the context of the United Nations system aimed at adopting effective national, bilateral and multilateral measures for the prevention and eradication of the sale of children and of their sexual exploitation, including child prostitution and child pornography, in particular by criminalizing the sexual exploitation of children;

5. Requests all States to implement on an urgent basis measures to protect children from all forms of sexual exploitation and sexual abuse, including measures in line with those outlined in the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children;

6. Calls upon States to criminalize all forms of sexual exploitation of children, including commercial sexual exploitation, and to condemn and penalize all those offenders involved, whether local or foreign, while ensuring that children victims of this practice are not penalized;

7. Calls upon States to review and revise, where appropriate, laws, policies, programmes and practices to eliminate all forms of sexual exploitation of children, including commercial sexual exploitation;

8. Further calls upon States to enforce relevant laws, policies and programmes to protect children from sexual exploitation, in particular by penalizing all those offenders involved, and to strengthen communication and cooperation between law enforcement authorities;

9. Stresses the need to combat the existence of a market that encourages such criminal practices against children;

10. Urges States, in cases of sex tourism, to develop or strengthen and implement laws to criminalize the acts of nationals of the countries of origin when committed against children in the countries of destination, to ensure that a person who exploits a child for sexual abuse purposes in another country is prosecuted by competent national authorities, either in the country of origin or in the country of destination, to strengthen laws and law enforcement, including confiscation and seizure of assets and profits and other sanctions, against

those who commit sexual crimes against children in countries of destination, and to share relevant data;

11. Requests States to step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking in children;

12. Invites States to allocate resources to provide comprehensive programmes designed to heal and to rehabilitate into society child victims of trafficking and sexual exploitation, including through job training, legal assistance and confidential health care, and to take all appropriate measures to promote their physical and psychological recovery and social reintegration;

IV

Protection of children affected by armed conflict

1. Expresses grave concern at the numerous damaging effects of armed conflicts on children, including the use of children as combatants in such situations, and emphasizes the need for the world community to focus increased attention on this serious problem with a view to bringing it to an end;

2. Invites all States to accede to relevant international human rights and humanitarian law instruments, and urges them to implement those instruments to which they are parties;

3. Calls upon all States and other parties to armed conflict to respect international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and the additional protocols thereto of 1977, while bearing in mind resolution 2 of the twenty-sixth International Conference of the Red Cross and Red Crescent, and to respect the provisions of the Convention on the Rights of the Child which accord children affected by armed conflict special protection and treatment;

4. Calls upon States and United Nations bodies and organizations to treat children during conflict and in post-conflict situations as a priority concern in human rights, humanitarian and development activities, including in field operations and country programmes, to enhance coordination and cooperation throughout the United Nations system and to ensure effective protection for children affected by armed conflict;

5. Recommends that the humanitarian concerns relating to children affected by armed conflict and their protection be fully reflected in United Nations field operations, which, inter alia, promote peace, prevent and resolve conflicts, and implement peace agreements;

6. Underlines the importance that measures to ensure respect for the rights of the child, including in the areas of health and nutrition, formal, informal, or non-formal education, physical and psychological recovery, and social reintegration, be included within emergency and other humanitarian assistance policies and programmes;

7. Stresses the need for Governments and other parties to armed conflict to take measures, including the establishment, for example, of "days of tranquillity" and "corridors of peace", to ensure humanitarian access, the delivery of humanitarian relief and the provision of services, such as education and health, including immunization of children affected by armed conflict;

8. Supports the work of the working group of the Commission on Human Rights on a draft optional protocol to the Convention on the Rights of the Child related to the involvement of children in armed conflict, and expresses the hope that it will make further progress prior to the fifty-fourth session of the Commission with a view to finalizing this work;

9. Urges States and all other parties to armed conflict to adopt all necessary measures to end the use of children as soldiers and to ensure their demobilization and reintegration into society, including through adequate education and training, in a manner that fosters their self-respect and dignity, and invites the international community to assist in this endeavour;

10. Welcomes increased international efforts in various forums with respect to anti-personnel mines, recognizes the positive effect on children of those efforts, and in this regard takes due note of the conclusion of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction and its implementation by those States that become parties to it, as well as of the amended Mines Protocol of the Convention on Prohibitions or Restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or have indiscriminate effects;

11. Calls upon all States and relevant United Nations bodies, including the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, to contribute on an ongoing basis to international mine clearance efforts, and urges States to take further action to promote gender- and age-appropriate mine-awareness programmes and child-centred rehabilitation, thereby reducing the number and the plight of child victims;

12. Reaffirms that rape in the conduct of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide, and calls upon all States to take all measures required for the protection of women and children from all acts of gender-based violence, including rape, sexual exploitation and forced pregnancy, to strengthen mechanisms to investigate and punish all those responsible and bring the perpetrators to justice;

13. Urgently requests that appropriate measures be taken by Member States and United Nations agencies, within the scope of their respective mandates, to ensure humanitarian access to children affected by armed conflict, to facilitate the extension of humanitarian assistance, including education, and to ensure the physical and psychological recovery and reintegration into society of child soldiers, victims of landmines and victims of gender-based violence;

14. Recommends that whenever sanctions are imposed their impact on children be assessed and monitored and humanitarian exceptions be child-focused and formulated with clear application guidelines;

15. Recalls the importance of preventive measures such as early warning systems, preventive diplomacy and education for peace to prevent conflicts and their negative impact on the rights of the child, and urges Governments and the international community to promote sustainable human development;

16. Calls upon all States, in accordance with the norms of international humanitarian law, to integrate in their armed forces' training and education programmes, including those for peacekeeping, instruction on responsibilities towards the civilian population, particularly women and children;

17. Welcomes the appointment of Mr. Olara Otunnu as the Special Representative of the Secretary General for Children and Armed Conflict in accordance with General Assembly resolution 51/77 of 12 December 1996;

18. Invites Governments, specialized agencies, relevant United Nations bodies, notably the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, and regional, intergovernmental and non-governmental organizations, as well as the Committee on the Rights of the Child, to cooperate with the Special Representative and to contribute to his work, including his annual report;

19. Recommends that the Secretary-General ensure that the necessary support is made available to the Special Representative for the effective performance of his mandate, encourages the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, and the Office of the United Nations High Commissioner for Human Rights to provide support to the Special Representative, and calls upon States and other institutions to provide voluntary contributions for that purpose;

20. Invites Member States and relevant United Nations bodies and non-governmental organizations to consider how the impact of armed conflict on children can best be integrated into events designed to commemorate the tenth anniversary of the World Summit for Children and the entry into force of the Convention;

V

Refugee and internally displaced children

1. Urges Governments to pay particular attention to the situation of refugee and internally displaced children by continuing to design and improve the implementation of policies for their care and well-being with the necessary international cooperation, in particular with the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund and international humanitarian organizations;

2. Calls upon States and United Nations bodies, in recognizing the particular vulnerability of refugee and internally displaced children, to protect both their safety and their developmental needs, including health, education, and psycho-social rehabilitation;

3. Expresses its deep concern about the growing number of unaccompanied refugee and internally displaced children and calls upon all States and United Nations bodies and agencies to ensure the early identification and registration of unaccompanied refugee and internally displaced children, to give priority to programmes for family tracing and reunification, and to continue monitoring the care arrangements for unaccompanied refugee and internally displaced children;

4. Calls upon all States and other parties to armed conflicts to recognize the particular vulnerability of refugee and internally displaced children to the damaging effects of such conflicts, stresses the special vulnerability of child-headed households, and calls upon Governments and United Nations bodies to give these situations urgent attention, to enhance protection and assistance mechanisms, and to involve women and youth in the design, delivery, and monitoring of measures taken to this effect;

5. Invites the Representative of the Secretary-General on internally displaced persons to take into account the situation of internally displaced children in his preparation of guiding principles which are to form part of a comprehensive framework for the protection of internally displaced persons;

VI

Elimination of exploitation of child labour

1. Reaffirms the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous to or interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development;

2. Welcomes the measures taken by Governments to eliminate the exploitation of child labour, while recalling the Programme of Action for the Elimination of the Exploitation of Child Labour, and calls upon relevant United Nations agencies, in particular the United Nations Children's Fund and the International Labour Organization, to continue to support national efforts in this regard;

3. Welcomes the recent holding of various international conferences on various forms of child labour;

4. Welcomes the efforts by the Committee on the Rights of the Child in the area of child labour, takes note of its recommendations and encourages the Committee as well as other relevant human rights treaty bodies, within their respective mandates, to continue to monitor this growing problem when examining reports of States parties;

5. Calls upon all States to translate into concrete action their commitment to the progressive and effective elimination of all forms of

exploitative child labour, and urges them, as a matter of priority, to eliminate all extreme forms of child labour, such as forced labour, bonded labour and other forms of slavery;

6. Calls upon all States that have not yet done so to consider ratifying the conventions of the International Labour Organization concerning the abolition of forced labour and the minimum age for employment, including for particularly hazardous work for children, and to implement those conventions;

7. Calls upon all States to support the negotiation, with a view to its early finalization, by the International Labour Organization of a future instrument aimed at eradicating the most intolerable forms of child labour;

8. Calls upon all States to set specific target dates for eliminating all forms of child labour that are contrary to accepted international standards and for ensuring the full enforcement of relevant existing laws and, where appropriate, enacting legislation necessary to implement their obligations under the Convention on the Rights of the Child and International Labour Organization standards ensuring the protection of working children;

9. Calls upon all States to recognize the right to education by making primary education compulsory and ensuring that all children have access to free primary education as a key strategy to prevent child labour;

10. Calls upon all States to systematically assess and examine, in close cooperation with international organizations such as the International Labour Organization and the United Nations Children's Fund, the magnitude, nature and causes of the exploitation of child labour, and to develop and implement strategies for combating these practices, with a specific emphasis on the situation of girls, their right to education and access to schools on an equal basis with boys, in close cooperation with the United Nations Educational, Scientific and Cultural Organization;

11. Calls upon all States and the United Nations system to strengthen international cooperation as a means of assisting Governments in preventing or combating violations of the rights of the child, including the exploitation of child labour;

VII

The plight of children living and/or working on the streets

1. Expresses grave concern at the large number of children living and/or working on the streets, and at the continued growth in incidents and reports worldwide of such children being affected by serious crime, drug trafficking and abuse, violence and prostitution;

2. Welcomes the continuing efforts of Governments, the United Nations system, and civil society to tackle this multifaceted problem;

3. Calls upon Governments to continue actively to seek comprehensive solutions for the problems of children living and/or working on the streets,

including by helping to alleviate the poverty of such children, their families, or guardians, by taking measures to ensure their reintegration into society, and by providing, inter alia, adequate nutrition, shelter, health care and education, taking into account that such children are particularly vulnerable to all forms of violence, abuse, exploitation and neglect;

4. Emphasizes that the provisions of the Convention on the Rights of the Child and other relevant human rights instruments must constitute the standard in efforts to deal with this problem, and recommends that the Committee on the Rights of the Child and other relevant human rights treaty monitoring bodies continue to give attention to it when examining the reports of States parties;

5. Strongly urges all Governments to guarantee the respect for all human rights and fundamental freedoms, particularly the right to life, and to take urgent measures to prevent the killing of children living and/or working on the streets and to combat torture and violence against them, and to ensure strict compliance with the Convention on the Rights of the Child and other relevant human rights instruments, including the requirement that legal and juridical processes respect the rights of the child;

6. Calls upon the international community to support, through effective international cooperation, the efforts of States to improve the situation of such children and encourages States parties to the Convention on the Rights of the Child, in preparing their reports to the Committee on the Rights of the Child, to take full account of the particular needs and rights of such children and to consider requesting technical advice and assistance for initiatives aimed at improving their situation;

VIII

1. Decides:

(a) To request the Secretary-General to submit a report on the rights of the child to the General Assembly at its fifty-third session, containing information on the status of the Convention on the Rights of the Child and the problems addressed in this resolution;

(b) To request the Special Representative of the Secretary-General for Children and Armed Conflict to submit to the General Assembly and the Commission on Human Rights an annual report containing relevant information on the situation of children affected by armed conflict, bearing in mind existing mandates and reports of relevant bodies;

(c) To continue its consideration of this question at its fifty-third session under the item entitled "Promotion and protection of the rights of the child".